

A regular meeting of the Elma Town Board was held on Wednesday, February 26, 2025, at 7:00PM at Elma Town Hall, 1600 Bowen Road, Elma, New York, with the following members:

Supervisor	Wayne Clark
Councilman	Leroy Kupczyk
Councilman	Joseph Macaluso
Councilman	Daryl Nolan
Councilman	Tracy Petrocy-Absent

Also:

Building Inspector	Joseph Colern
Highway Superintendent	Howard Diehl
Plant Manager	Brian Fiden
Town Attorney	Phyllis Todoro
Sewer Plants	Timothy Walczyk
Town Engineer	James Wyzykiewicz

The meeting was opened with the reciting of the Pledge of Allegiance.

Councilman Macaluso made the motion, and Councilman Nolan seconded the motion to approve the minutes from the January 22nd, 2025, meeting. Ayes-4. Noes-0. Carried.

Department Reports:

Building Inspector Joseph Colern presented the monthly report for January 2025 with 12 permits issued, \$3,18.20 fees collected and the estimated value of construction \$964,937. Also, the lights on the northwest wall of the Senior Center have been repaired.

Plant Manager Brian Fiden noted a fire hydrant at Jamison and Girdle was hit and will be repaired. The pump at Jamison overflowed due to a pump malfunction losing power with neighboring property being damaged. The insurance company has been notified and the company that installed the SCADA system should also be notified regarding the damage.

Highway Superintendent Howard Diehl noted the SRO car was sent to auction and the bidding ends on March 4, 2025.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve a negative declaration of a short form SEQR for Kelton Enterprises LLC Tim Hortons at 2137 Transit Rd, Elma NY. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve a Business Use Permit for Kelton Enterprises LLC Tim Hortons at 2137 Transit Rd, Elma NY for quick service restaurant with drive thru. The Building Inspector notes fire inspection required, and permit required for advertising signs. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to approve a negative declaration of a short form SEQR for JDK Truck & Auto LLC at 3171 Transit Rd, Elma NY. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Nolan seconded the motion to approve a Business Use Permit for JDK Truck & Auto LLC at 3171 Transit Rd, Elma NY for automotive repair shop, oil changes and NYS inspections. Restrictions on the "Use" notes no outside storage of junk vehicles, tires or junk auto parts. The Building Inspector notes sign permit required and fire inspection required within 30days of occupancy. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion and Councilman Macaluso seconded the motion to approve a negative declaration of a short form SEQR for Premise Health of NY Medical at 611 Jamison Rd, Elma NY. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve a Business Use Permit for Premise Health of NY Medical at 611 Jamison Rd, Elma NY for private/employee based physician office-providing occupational health services to Moog employees only. The Building Inspector notes the advertising sign permit required. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to approve a negative declaration of a short form SEQR for Red Stag Logistics at 6891 Seneca St, Elma NY. Ayes-4. Noes-0. Carried.

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Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to approve a Business Use Permit for Red Stag Logistics at 6891 Seneca St, Elma NY for dairy hauling, trucking and associated office and mechanical tasks. The Building Inspector notes permit required for advertising signs and backflow inspection required. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Nolan seconded the motion to approve the Dog Control Officer Shared Services with the Town of Marilla. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Kupczyk seconded the motion to approve posting for 30-day review of the 2024 Service Awards points at the Fire halls of Blossom, Elma, and Jamison Road Volunteer Fire Companies. Ayes-4. Noes-0. Carried.

Councilman Macaluso made the motion, and Councilman Nolan seconded the motion to approve the EMW Lacrosse Inc agreement for 2024 at the cost of \$2000.00. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Kupczyk seconded the motion to approve the agreement extension with Strategic Development Specialists for grant writing. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Nolan seconded the motion to approve the following resolution to Repeal NYS Halt Act and WHEREAS, the Town of Elma is requesting a home rule resolution, calling on the NYS Legislature to REPAL the New York State Halt Act. WHEREAS, while the New York State Halt Act may have been written with good intentions, Its application has created a hazardous and unlawful environment which jeopardizes both staff and incarcerated individuals alike; and WHEREAS, Correction Officers work in facilities to maintain good working order to keep incarcerated individuals, staff and the community safe by communicating well, remaining disciplined all while handling extremely dangerous situations inside the facility; and WHEREAS, working in correctional facilities takes a physical and mental toll on Corrections Officers while being mandated to work shifts 24 hours or more at one time; and WHEREAS, with the implementation of the New York State Halt Act, Corrections Officers are not permitted to carry weapons, not permitted to utilize SHU, and have no recourse for violence toward other incarcerated individuals or staff, causing the rate of violent assaults to nearly double; THEREFORE, BE IT RESOLVED, the Town of Elma is demanding the full repeal of the New York State Halt Act until it can be researched and revised. BE IT FURTHER RESOLVED, that a certified copy of this resolution be forwarded to Honorable Governor Kathy Hochul, Honorable Speaker of the Assembly Carl E Heastie, Honorable Senate Majority Leader Andrea Stewart-Cousins, Honorable Republican Minority Leader Rober G Ortt, Honorable Majority Leader of the Assembly Crystal D. Peoples-Stokes, Honorable Minority Leader of the Assembly William A Barclay, and the Western New York Delegation and Erie County Executive Mark Poloncarz and the Erie County Legislature. Ayes-4. Noes-0. Carried.

Councilman Nolan made the motion, and Councilman Macaluso seconded the motion to approve Vouchers/Warrant #13-2 claim #1094 thru #1110 as follows: General Fund \$13,418.59; Water District \$170,832.36; Special District Five (5) \$24,800. Ayes-4. Noes-0. Carried.

Councilman Kupczyk made the motion, and Councilman Macaluso seconded the motion to approve Vouchers/Warrant #2 claim #28 thru #139 as follows: General Fund \$56,592.54; Highway Fund \$52,648.32; Water District \$152,094.78; Special District \$1,471,392.74. Ayes-4. Noes-0. Carried.

Supervisor Clark set a public hearing date of March 19th, 2025, at 7:00PM for Drainage District #212 on Carol Lane and a Special Use Permit for Reid Petroleum Corp at 950 Maple St for replacement of fuel tanks.

All have received the Planning, Zoning and Conservation Board agendas and minutes that apply.

The next Work Session will be March 12th, 2025, at 6:00PM and the Town Board meeting will be March 19th, 2025, at 7:00PM.

Motion to adjourn the meeting and enter Executive Session.

Respectfully submitted, by notes taken by Town Attorney Phyllis Todoro